

Remarks

Applicant thanks the Examiner for the careful consideration given this application. Reconsideration of this application is requested in view of the above amendments and the following remarks.

Claims 44, 45, 48-52, 55-58, and 63-70 are now pending in this application, of which Claims 44, 51, 56, and 64 are independent claims. Claim 64 has been amended. New Claims 67-70, depending from Claims 44 and 51, have been added; these claims are supported by at least the same sections of the application that support Claims 64-66.

At pages 2-3, the Office Action rejects Claims 64-66 under 35 U.S.C. § 101 and under 35 U.S.C. § 112, first paragraph. These rejections are respectfully traversed for at least the following reasons.

First, the rejections under 35 U.S.C. § 101 at page 2 refer to the recitation in paragraph [0086] of the specification that “a signal has been preloaded in the memory.” The Office Action uses this as a basis for rejecting Claims 64-66 as lacking utility because this discloses “nonfunctional descriptive material” recorded on a computer-readable medium. While this may be disclosed, it is respectfully noted that, whether or not Applicants agree with this position, *it is irrelevant to Claims 64-66*. Claims 64-66 do not claim the storage of a signal in a memory; they claim a storage medium that contains executable instructions for implementing a method. Such instructions for performing a method do not constitute “nonfunctional descriptive material.” As noted in M.P.E.P. § 2106.01, “When a computer program is recited in conjunction with a physical structure, such as a computer memory, USPTO personnel should treat the claim as a product

claim.” MPEP 2106.01, Subsection I. For at least these reasons, it is respectfully submitted that the rejections under 35 U.S.C. § 101 should be withdrawn.

The Office Action further notes that the phrase, “processor-readable medium” was not presented with the original claims or in the specification and asserts that it is, therefore, new matter. With regard to this assertion, as well as to the rejections under 35 U.S.C. § 112, first paragraph, Applicants maintain that Claims 64-66 are enabled, at least by Figs. 1, 4, and 7 (memory is a processor-readable medium) and the disclosure, in general. For example, paragraph [0030] discusses that a microprocessor “can be adapted to execute a number of actions according to rules, instructions, or preferences,” and there are several other references throughout the disclosure to microprocessors executing various operations. Paragraph [0033] further notes, for example, that “[e]ach of memories 117, 127, and 137 can store, for example, the location information, the identity information, and the rules, instructions, or preferences supplied by the user.” Paragraph [0033] also notes that the memory may or may not be a discrete component (i.e., a microprocessor may, and generally does, inherently contain memory). Applicants have also amended Claim 64 to claim a “storage medium,” rather than a “processor-readable medium,” and memory is certainly a storage medium. Applicants further refer to M.P.E.P. §§ 2163.07 and 2163.07(a) for further support of their maintaining that this is not new matter and is sufficiently described. For at least these reasons, then, Applicants respectfully request withdrawal of these further rejections of Claims 64-66.

At pages 3-5, the Office Action rejects Claims 44, 45, 48-52, 55-58, and 63-66 under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent Application Publication No. 2002/0142803) in view of Phillips (U.S. Patent Application Publication

No. 2003/0055560). These rejections are respectfully traversed for at least the following reasons.

Claim 44 includes the limitation, “wherein the geographical location information is generated for each of the wireless device and the vehicle by at least one location system.” Claim 51 recites, among other things, “finding a geographic location of the wireless telephone,” and, “finding a geographic location of the vehicle.” Claim 56 similarly recites, “generating position data for the wireless device and generating position data for the vehicle.” Similarly, Claim 64 recites, “geographical location information obtained for a mobile device and geographical location information obtained for a vehicle.” What these all have in common is that geographical location information is recited as being obtained for both the wireless device and the vehicle in each claim.

As noted in the Office Action at page 4, Yamamoto does not teach “comparing the location of the wireless device to the location of the vehicle.” However, careful review of Yamamoto reveals that the system of *Yamamoto does not obtain or utilize any geographical location information relating to either the wireless device (“MS” in Yamamoto) or the vehicle*. Rather, in Yamamoto, a device (“AS”) located in the vehicle sends out inquiry signals (“IQ packets”) to be responded to by a MS that comes within range (using an “FHS packet”). See, e.g., paragraphs [0064]-[0065].

At page 4, the Office Action relies on Phillips to remedy the shortcomings of Yamamoto. In particular, the Office Action refers to Phillips at paragraphs [0034], [0071], and [0072], stating that “the system is configured to determine the location of both the terminal and the vehicle” and that “the system may be configured to provide the location of the vehicle to the terminal and aid the user in locating the vehicle.” The

Office Action then proceeds to say that it would have been obvious to combine these teachings with those of Yamamoto “in order to display the location of the terminal in relation to the location of the vehicle on the display of the terminal[,] enabling the system to determine the distance of the terminal with respect to the vehicle.”

However, these assertions of the Office Action fall short in a number of ways. First, not only does Yamamoto not obtain and use geographic information, as discussed above, *there is no need for Yamamoto to use such information.* Yamamoto works in a *completely different way* from how the present claims work. Yamamoto sends out signals that allow a wireless device to detect the presence of the vehicle system; there is *no need for geographical information, and there is no way that makes sense to merely add geographical information* to the system of Yamamoto. Hence, one would not be motivated to combine the finding of such geographical information with Yamamoto.

Second, the Office Action asserts that a motivation to combine these references would be “in order to display the location of the terminal in relation to the location of the vehicle on the display of the terminal[,] enabling the system to determine the distance of the terminal with respect to the vehicle.” However, there is *no need* for such a capability in Yamamoto.

Finally, it is not apparent that Yamamoto and Phillips could even be combined to obtain what has been claimed. Yamamoto is directed to a system for providing hands-free operation of a wireless communication device when used in a vehicle, where the system in the vehicle works to allow the wireless device to detect the presence of the system (see discussion above). Phillips is directed to a vehicle location system using a hand-held device. This leads to several issues. These are two disparate systems—

communications and vehicle location—which are not apparently combinable, so a skilled artisan would not have looked to Phillips to remedy the shortcomings of Yamamoto.

Also, it is not apparent how one would combine the features disclosed in Phillips with those disclosed in Yamamoto to obtain what is presently claimed; a system such as that of Yamamoto, as noted above, simply has no need for a feature that allows one to locate a vehicle by means of a display on a hand-held terminal, as this is totally unrelated to its purpose. Thus, it is not apparent how one could combine the features of Phillips with those of Yamamoto to obtain what has been claimed, and the Office Action provides no guidance as to how this could be done.

It is, therefore, respectfully submitted that the present claims are allowable over the cited references.

New Claims 67-70 depend from either Claim 44 or Claim 51 and are submitted to be allowable over the cited references for at least the above reasons.

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

Conclusion

Applicants believe that the above amendments and remarks address all of the grounds for objection and rejection and place the application in condition for allowance. Applicants, therefore, respectfully request prompt and favorable consideration of this Amendment and Reply and reconsideration of this application.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

/Jeffrey W. Gluck/

Date: August 2, 2007

Jeffrey W. Gluck, Ph.D.
Registration No. 44,457
Connolly Bove Lodge & Hutz LLP
1875 Eye Street NW, Suite 1100
Washington, DC 20006
Telephone: 202-331-7111
Direct Dial: 202-572-0322
Facsimile: 202-293-6229

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CB-555465